

WOOD, HERRON & EVANS, L.L.P.**RECEIVED
CENTRAL FAX CENTER**

BRUCE TITTEL
DONALD F. FREI
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HALIPT
THEODORE R. REMAKUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTI L. DAVIDSON

OF COUNSEL
JOHN D. POFFENBERGER
DAVID J. JOSEPHIC
THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.
BRADLEY D. BECK

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-241-6234

WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1988
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

October 14, 2005

OCT 14 2005

JOSEPH R. JORDAN
C. RICHARD EBY
KATHRYN E. SMITH
ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.
TECHNICAL ADVISORS
HENRY M. LABODA, PH.D.

FACSIMILE COVER SHEET

To: Examiner T. D. Tran
Group Unit No. 2665
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax: 571-273-8300

From: Thomas W. Humphrey *TWH*

Re: Our File: VOY-030
US Application Serial No. 09/710,487
Filed November 10, 2000
METHOD AND APPARATUS FOR
THE PREDICTION AND
OPTIMIZATION IN IMPAIRED
COMMUNICATION SYSTEM
Hench et al.
Associate Reference: 144798US

Pages: 2 (including cover sheet)

MESSAGE/COMMENTS

Confirmation copy will not follow.

**RECEIVED
OIPE/AP**

OCT 17 2005

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

WOOD, HERRON & EVANS, L.L.P.**RECEIVED
CENTRAL FAX CENTER**

BRUCE TITTEL
DONALD F. FREI
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HALPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTIL L. DAVIDSON

OF COUNSEL
JOHN D. POFFENBERGER
DAVID J. JOSEPHIC
THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.
BRADLEY D. BECK

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
WEBSITE: www.whoepatent.com
PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1988
TRUMAN A. HERRON 1935-1978
EDWARD B. EVANS 1938-1971

October 14, 2005

JOSEPH R. JORDAN
C. RICHARD EBY
KATHRYN E. SMITH
ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.

TECHNICAL ADVISORS
HENRY M. LABODA, PH.D.

OCT 14 2005

FACSIMILE COVER SHEET

To: Examiner T. D. Tran
Group Unit No. 2665
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax: 571-273-8300

From: Thomas W. Humphrey 

Re: Our File: VOY-030
US Application Serial No. 09/710,487
Filed November 10, 2000
METHOD AND APPARATUS FOR
THE PREDICTION AND
OPTIMIZATION IN IMPAIRED
COMMUNICATION SYSTEM
Hench et al.
Associate Reference: 144798US

Pages: 2 (including cover sheet)

MESSAGE/COMMENTS

Confirmation copy will not follow.

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

PATENT
ATTY. DOCKET NO. VOY/030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

Applicant : Hench et al. Art Unit: 2665
Serial No. : 09/710,487 Examiner: T. D. Tran
Filed : November 10, 2000
For : METHOD AND APPARATUS FOR THE PREDICTION AND
OPTIMIZATION IN IMPAIRED COMMUNICATION SYSTEM

OCT 14 2005

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

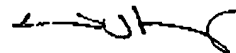
Via Facsimile

Notice of Appeal and Petition for Extension of Time

Applicant hereby appeals the final rejection of claims 1, 2, 4, 6-20, 22, 24-31, 33 and 35-41 dated June 14, 2005. Please charge deposit account no. 23-300 for the fee of \$500.00.

A one-month extension of time is necessary to accompany this communication, please consider this paper a petition for such an extension of time, and apply the appropriate extension of time fee to Deposit Account 23-3000. If any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,



Thomas W. Humphrey
Reg. No. 34,353

10/17/2005 MGBREM1 00000026 233000 09710487

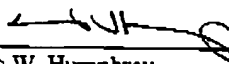
01 FC:1401 500.00 DA

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917
Voice: (513) 241-2324/Facsimile: (513) 241-6234

10/17/2005 MGBREM1 00000085 233000 09710487

01 FC:1251 120.00 DA

I hereby certify that this correspondence is being sent via
facsimile (571-273-8300) to Examiner T. D. Tran in Art Unit
2665 at U.S. Patent Office, P.O. Box 1450, Alexandria, VA
22313-1450: October 14, 2005


Thomas W. Humphrey
Reg. No. 34,353